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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2937 OF 2007
IN
FIRST APPEAL (ST) NO. 31179 OF 2006

Maharashtra State Road
Transport Corporation ...Applicants.
Vs.
Smt.Jyoti @ Jyotirani Patil & Anr. ...Respondents.

Mr. C.M.Lokesh i/b Mr. G.S.Hegde & Associate for the applicants.

Mr. T.S.Ingale for respondent Nos. 1 and 2.

CORAM : ANOOP V. MOHTA,J.
DATED : 26th September, 2007

P.C.

1. The applicants original-claimants are the heirs of one Pandharinath Patil who died in the Motor Accident on 07/01/1998. The compensation for the death of the husband is inestimable. However, at the stage of the proceedings the appellants, pursuance to the order dated 9th February, 2007 has deposited Rs.16,88,601/-. There case is basically of contributory negligence. The appeal need detail hearing. However, at this stage, considering the averments made in this application I am inclined to grant/permit the claimants to withdraw a sum of Rs.4,00,000/- (Rupees four lacs only) subject to the adjustment of the amount as already directed/permitted the applicants-original claimants to withdraw by order dated 9th February, 2007.

2. Resultantly the order is-

. The applicants-petitioners are allowed to withdraw a sum of Rs. 4,00,000/- (Rupees four lacs only) part compensation, subject to adjustment of the amount which they have already withdrawn,that was without security. The petitioner, therefore, are allowed to withdraw a sum of Rs.1,25,000/- without security. The balance of Rs.2,00,000/- allowed to withdraw subject to furnishing the security to the satisfaction of the trial court.

3. The liberty is granted to the applicants-petitioners to apply for more withdrawal if the case is made out after eight months and or earlier also.

4. The remaining amount be invested in the Nationalized bank with renewal clause, if necessary, pending the decision of the present appeal.

5. The parties are at liberty to settle the matter as suggested.

6. The present Civil Application is disposed of, accordingly.

(ANOOP V. MOHTA, J.)